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OF ATTORNEYS FOR DEFENDANTS

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

ANGELEEN KIRSCHBAUM,
Plaintiff,

v.

RISE LAW GROUP, INC., MARYANNE
PITCHER, AND JAMIE HAZLETT,
Defendants.

Case No. 1:22-cv-01394 CL

NOTICE OF REMOVAL

COMES NOW, Defendants, by and through their counsel Jamie L. Hazlett, and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants, Rise Law Group, Inc., Maryanne Pitcher, and Jamie Hazlett (collectively "Defendants"), by filing this Notice of Removal and related documents, remove this action from the Circuit Court of the State of Oregon for the County of Jackson ("Jackson County Circuit Court") to the United States District Court for the District of Oregon, Medford Division. Defendants remove this case based on the existence of federal questions, namely, the Fair Labor Standards Act, 29 U.S.C. §§ 206 and 207.

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23 Newtown Street
Medford, Oregon 97501
(541) 773 – 3619

STANDARD

“[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). To remove a case from state court to federal court, a defendant need merely file a notice of removal “containing a short and plain statement of the grounds for removal.” 28 U.S.C. § 1446(a); *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S.Ct. 547, 551, 190 L.Ed. 2d 495 (2014).

Pursuant to 28 U.S.C. § 1446(a), all papers filed with the state court and served on the Defendants at the time of the removal are attached hereto as **Ex. A** Hazlett Decl. ¶ 2. No further proceedings have been had in the Jackson County Circuit Court as of the date of filing of this Notice of Removal. Hazlett Decl. ¶ 2.

Pursuant to 28 U.S.C. § 1446(b)(1), a notice of removal shall be filed within 30 days after service on defendant of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based. In this matter, service was accepted contemporaneous with this filing.

FEDERAL QUESTION JURISDICTION

Pursuant to 28 U.S.C. §§ 1331, this Court has original federal question jurisdiction over this action, because Plaintiff has brought claims arising under the laws of the United States, i.e. The Fair Labor Standards Act, 29 U.S.C. §§ 206 and 207. Hazlett Decl. ¶ 2, Ex. A. Complaint ¶¶ 57-82.

NOTICE OF REMOVAL IS TIMELY

This Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(1). On September 6, 2022, Angeleen Kirschbaum, the Plaintiff, filed a Complaint against all Defendants in Jackson County Circuit Court entitled *Angeleen Kirschbaum v. RISE Law Group, Inc. Maryanne Pitcher and Jamie Hazlett*, Case No. 22CV29946. On September 14, 2022 Plaintiff filed an Amended

1 Complaint. Hazlett Decl. ¶ 2. She has yet to effectuate personal service. An Acceptance of
2 Service is filed contemporaneously with this filing. Hazlett Decl. ¶ 4. This Notice of Removal is
3 timely, and all Defendants consent to removal. Hazlett Decl. ¶ 4; *see also* 28 U.S.C. § 1446
4 (b)(2).

5 **REMOVAL TO THIS DISTRICT IS PROPER**

6 Removal of the above-captioned state court action to this Court is appropriate. Pursuant
7 to 28 U.S.C. § 1441(a), removal is made to this Court as the District and Division embracing the
8 place where the state court action is pending. In addition, venue is proper in this district because
9 the District Court for the District of Oregon is the judicial district and division embracing the
10 place where the state court action is pending (i.e., the Circuit Court of the State of Oregon for
11 Jackson County). 28 U.S.C. § 117. Defendants have good and sufficient defenses to this action
12 and do not waive any defenses, jurisdictional or otherwise by filing this Notice of Removal,
13 Hazlett Decl. ¶ 3.

14 **CONCLUSION**

15 WHEREFORE, Defendants hereby remove this civil action from the Jackson County
16 Circuit Court to this District Court.

17
18
19 Dated: _____

9-20-22

20  _____
Jamie L. Hazlett, OSB #214802

21 Attorney for Defendants

22 Email: jhazlettcalendaring@riselawgroup.org
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24
25
26

DECLARATION OF SERVICE

I hereby declare that I served the foregoing **NOTICE OF REMOVAL** on:

Stephanie J. Brown, OSB 0310019
Shuck Law, LLC
Attorneys at Law
208 E. 25th Street
Vancouver, WA 98663
sbrown@wageclaim.org

_____ by **mailing** a full, true, and correct copy thereof to the party at the address shown above, which is the last known address for the party on the date set forth below.

_____ by **emailing** a full, true, and correct copy thereof to the party at the email address shown above, which is the last known email address for the party on the date set forth below.

☒ by **electronic transmission** of a notice of filing by the electronic filing system to the email address shown above, which is the email address listed for the party in the electronic filing system, on the date set forth below.

Dated: _____

9/15/22


Courtney Badger-Mack